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August 3, 2004

Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 22210

Dear Mr. Jordan:

PEDERAL ELECTION
OFFICE OF SEL

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Bush-Cheney '04, Inc., David Herndon and Steve Schmidt have received the complaint designated as MUR 5475 and hereby provide this response on behalf of these three parties. Also included herein are Designation of Counsel forms for both David Herndon and Steve Schmidt.

A reading of the news articles does not lead to or lend any support to what has been alleged in Count III. The media account attached to Count III reports that a message was left on an individual's answering machine leaving a return number that turned out to belong to the state office of BC '04. There is no suggestion or mention in the article that the message indicated that the call was made on behalf of BC '04 or was delivered using any resources of BC '04.

The complaint then extrapolates on a response to a press inquiry provided by Steve Schmidt, a spokesperson based in Arlington, VA. Mr. Schmidt denied that any paid BC '04 staff was involved in calls to encourage individuals to support Mr. Nader's candidacy or that the effort was a BC '04 activity. He acknowledged, in response to a specific press inquiry into whether such a call could have been made, the possibility existed that a volunteer could have made an unauthorized phone call without the knowledge of paid campaign staff. The complaint then takes this denial, twists it beyond the bounds of rational analysis, and uses Mr. Schmidt's denial of campaign involvement in Mr. Nader's candidacy to suggest that BC '04 was involved in a massive effort to assist Mr. Nader. Nothing in the factual record suggests that this occurred to the factual record suggests that the occurred to the factual record suggests the occurred to the factual record suggests that the occurred to the factual record suggests the occurred to the factual record suggests that the occurred to the factual record suggests the occu

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Paid for by Bush-Cheney '04, Inc.

Because of the complete lack of factual basis for the allegations contained in the complaint, BC '04, David Herndon and Steve Schmidt believe that the Commission should dismiss the complaint and take no further action in this matter.

Please do not hesitate to contact me at 703-647-2940 (telephone) or 703-647-2997 (fax) with questions or concerns.

Thomas Josefiak

General Counsel

## STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent

MUR:

5475

NAME OF COUNSEL:

Thomas J. Josefiak

FIRM:

N/A

ADDRESS:

Post Office Box 10648

Arlington, VA 22210 → 30.3

TELEPHONE:

(262) 647-2940

703

FAX:

(282) 647-2997

The above-named individual us hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7-21-04 Signature Signature Signature Signature

Respondent's Name:

Bush-Cheney '04, Inc.

Address:

Post Office Box 10648 Arlington, VA 22210

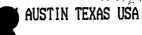
Telephone Home:

(703)647-2940

Business:

(703) 647-2940

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## Statement of Designation of Counsel

Please use one form for each respondent

MUR:

5475

Name of Counsel: Thomas J. Josefiak

Firm:

n/a

Address:

Post Office Box 10648

Arlington, VA 22210

703

Telephone: (202) 647-2940

703

Fax:

(20) 647-2997

The above-named individual us hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

David Herndon Print Name

Signature

<u>Treasurer</u> Title

Respondent's Name:

Bush-Cheney '04, Inc.

Address:

Post Office Box 10648 Arlington, VA 22210

Telephone Home:

(703)647-2940

**Business:** 

(703)647-2940